

10 September 1979

MEMORANDUM FOR: Chief, Information Services Staff

STATINTL

FROM: [REDACTED]
Chief, Classification Review Division

SUBJECT: Protecting CIA Equities in 1945-49 State Records
Accessioned to NARS

1. CRD has completed its survey of the Department of State's Central Foreign Policy Files for the years 1945-49 which were accessioned to NARS in December 1970. In the survey over three million unclassified index cards and other related classified documents were checked to identify which categories contained information compromising to CIA. The risk factor in each category was estimated and a determination made as to the type of action required to protect CIA information from unauthorized disclosure. The results of this survey and the proposed solutions are contained in a 4 September 1979 "Memorandum for the Record" which is Attachment A. Mr. Edwin A. Thompson, Director, Declassification Division, NARS, orally agreed to the solutions and CRD will prepare a formal memorandum of record.

2. Basically, the problem centers on State and Foreign Service Post indices which contain extracts or summaries of classified documents; however, these indices were never classified because they were used in a controlled and classified area and considered classified. However they were unmarked when accessioned to NARS and are treated by NARS as unclassified. Some of the index cards presumably have been made available to members of the public in the past. A team of CRD officers surveyed nineteen indices at NARS and identified about 4,725 cards as of CIA interest. In some cases sensitive cards must be screened and removed from the file leaving the remainder in place; in others the amount of sensitive information is so great that the entire index or series must be restricted. Each of these indices or series is identified in Attachment A along with the action required to protect CIA equities.

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3. The classified documents from which the unclassified indices were made contain more complete information and represent a potential threat even though NARS personnel are supposed to screen the documents before they are shown to a member of the public. NARS personnel use guidelines received from State or instructions contained in the accessioning agreement. Although NARS normally requests other agencies to review documents of interest to them, NARS personnel do not always recognize those of CIA interest. In order to ensure that CIA equities are properly protected, we plan to review three files from the 1945-49 period which NARS has not screened to date because they are "full of Agency material." The proposed special review team will also check generally on NARS' screening of 97 other files which contain extensive CIA information. This work will require at least a two-man team working about 4 weeks at NARS.

4. The State records of the 1945-49 period are unique in that this period includes the records of CIA and three of its predecessor organizations -- the OSS, SSU and the CIG. These records are difficult to review because different levels of sensitivity are involved, ranging from the least sensitive OSS to the most sensitive CIA. For this reason an OSS reviewer will be assigned to work with a CRD reviewer on records originated in the 1945-46 period.

5. The next block of the State Department's Central Foreign Policy Files ready for accessioning to NARS covers the period 1950-54. State recently offered this group of files to NARS but the latter would not accept it because the accompanying State declassification guidelines were considered too general to be useful. NARS is now waiting for State to provide more specific declassification guidelines. One difference in the 1950-54 State records, according to NARS personnel, is that in 1951 State started using a reduced-in-size photocopy of the first page of the document as the file "card." In this event and if classification markings are visible in the photocopies, these index "cards" are properly classified and the indices will have to be handled accordingly. Thus the job of protecting CIA equities should be easier for this group of records. CRD plans to contact Mr. Clayton E. McManaway, Deputy Assistant Secretary of State for Classification and Declassification, regarding the 1950-54 Central Foreign Policy Files to determine any problems and propose solutions if necessary.



STATINTL

4 September 1979

MEMORANDUM FOR THE RECORD

STATINTL

FROM :
Operations Branch, Classification Review Division

SUBJECT: A Description of State Department's Central Foreign Policy
Files for 1945-49 Accessioned to NARS; Problems for CIA and
Their Solutions

1. The Central Foreign Policy Files of the Department of State for the period 1945-49 were accessioned to NARS in December 1970 to become part of Record Group No. 59 and are held in the Diplomatic Records Branch (NNFD - NN for National Archives, F for Civil Archives Division, and D for Diplomatic Branch). Attachment A is a copy of the Appraisal Report on Transfer Offer for these records dated 22 December 1970. The following paragraphs describe how these records are handled at NARS, which portions contain information relating to CIA and its predecessor organizations, what portions of those records require continued protection, and the procedures necessary to provide an acceptable level of protection for CIA equities.

2. The Central Foreign Policy Files, 1945-49, may be divided into two categories: 1) indices of 3x5 cards and 2) the documents from which the indices were created. There are three basic indices: 1) Name Cards - alphabetically by name of person or organization; 2) Source Cards - alphabetically by Foreign Service Post or other source (source being the originator of the document); and 3) Subject Cards - numerically by subject classification number, i.e., file number. The documents are filed according to a decimal system of subject classifications, i.e., a decimal system of file numbers. For example, the 103.918 series is for OSS general matters; 103.91802 is for OSS personnel matters; and further breakdowns are possible. State used extensive cross-referencing in this system so there are many more index cards than documents; also many documents are missing for reasons unknown to NNFD personnel. We have concentrated on identifying those portions of the indices and documents which contain information of a sensitive nature relating to CIA and its predecessor organizations. On a general note it should be kept in mind that the documents are screened by NARS personnel to identify those which require continued protection but the indices remain unclassified just as received from State and are not screened by NARS personnel although they do at times contain compromising information.

3. The document screening occurs in two ways which overlap. NNFD personnel screen boxes of documents on an opportunity basis and personnel of the Declassification Branch of NARS perform a complete systematic review. When a request for a document is made and the document is in a box which has not yet been officially screened, in addition to reviewing the requested document the NNFD staff tries to screen all the documents in the box. In this preliminary screening documents requiring continued classification protection or protection under the Privacy Act are replaced with a Withdrawal Notice and placed in a manila envelope in the rear of the same box. When the Declassification Branch conducts its systematic review all the documents which require continued classification (except those requiring protection solely under the Privacy Act) are replaced by a Withdrawal Notice and removed entirely from the box and stored in a special classified project in a vault on a different floor of the NARS building. Material which is restricted solely under the Privacy Act is not removed from the box but is kept in a manila envelope in the rear of the box. All classification screening is conducted using guidelines provided in the agreement accessioning the records to NARS and using such guidelines as provided by State to NARS over the years. When the personnel of the Declassification Branch are unable to decide on the classification of a document, they refer it to the agency or agencies concerned for a determination. Such referral is done only at the time the document is requested by a customer. Once the official screening of the box is completed by the Declassification Branch, that fact is indicated by a large white tab affixed to the outside of the box making it very obvious which boxes have been and which have not been screened. All the Central Foreign Policy Files for 1945-49 have been screened except for the following six files which are of interest to us:

The 101.5 and 101.502 files (2 boxes) (SSU and CIG Material)

The 101.61 and 101.6102 files (7 boxes) (CIG and CIA Material)

The 103.918 and 103.91802 files (7 boxes) (OSS Material)

4. When a request for a document is received, a member of the NNFD staff will locate the box in which the document is filed. If the box of documents has been screened as indicated by the tab on the box, the employee will remove the manila envelope containing any Privacy Act material; the rest of the material will be left in the box and given to the requestor. If the NNFD employee questions whether the document should be released (particularly in boxes screened only by the Declassification Branch) or they find a Withdrawal Notice in place of the document, they will tell the requestor that the document is classified and must be requested under FOIA. If the requestor initiates an FOIA request, the NNFD personnel will refer the document to the responsible agency or agencies for a determination whether or not it can be released. With this system, the public or customer access to classified documents is controlled by a member of the NNFD staff; however, in the process they are given access to an entire box of screened documents.

5. The indices pose a different problem for us because they are not marked classified, are not screened and they are made available to certain members of the public. (In preparing the 3x5 cards, State employees failed to note on the card the classification level of the document being indexed since the cards were used by State in a classified area only. Unfortunately, in NARS possession the cards are considered unclassified!) Bona fide researchers and persons considered to have legitimate interests in these documents are allowed into the NNFD area to review documents and, in varying ways, to search the indices. In the case of the Name Card Index, and only in this case, the individual is permitted to go into the stack area and search that index. In the case of all the other indices, the individual explains his desires and file cards by the batch or handful are brought to him by NNFD personnel to be searched by the requestor in the area set aside for use by researchers. As noted above, the file cards have not been screened and they are not screened before they are given to the requestor. At our request, NARS has put a restriction on certain index series which will not be given to researchers until we have decided whether or not they should be restricted permanently because of the information they contain.

6. The period 1945-49 covers the last year of the OSS, the total existence of the SSU and CIG, and the first years of the CIA. Generally, we are less strict with OSS and SSU material than we are with CIG and CIA material (See Attachment B - CRP 79-008/OSS - for declassification guidelines covering the period 1945-47). This means the application of somewhat different declassification standards to different portions of the records of this period. It also means that some OSS and SSU information may require continued protection because it ties directly into the CIG or the CIA. STATINTL

7. Information compromising to CIA and its predecessor organizations is contained throughout one of the basic indices and in certain series within the other two basic indices. There follows a description of the areas of interest to CIA in the indices and document files. This includes the number of cards involved in each index, the dates covered in the index, the substance of the content as reflected in the cards, and the procedures required to protect CIA equities in both the indices and the documents on file:

A. Name Card Index - an alphabetical listing by name of person or organization. This index contains approximately 620,000 cards. To lessen the task of screening this index and yet keep the result within acceptable limits of risk, we first obtained a printout of



Action required: Check the document referred to on the card. If the document has been replaced with a Withdrawal Notice, send the card to the special project to be fastened to the document. A sterile card referring to the special project will be substituted in the index replacing the dummy card (NOTE: These sterile index cards will be prepared by NARS personnel.) If the document, in our judgment, requires protection, ask NARS to withdraw it and handle as any other such classified document. If the referenced document does not require continued classification, leave it as filed and return the index card to the card file unless it contains compromising information (Special Index No., etc.); in such a case the index card will be placed in the special project and replaced in the index by a sterile card. Public access to these restricted documents and withdrawn index cards will be possible only through FOIA, Privacy Act or Mandatory Review requests and in these cases the document and card must be reviewed or referred to CIA where necessary. (NOTE: NARS has agreed to and is currently handling records for the 1940-44 period in this way and Mr. Alan Thompson, Chief of the Declassification Branch, has confirmed that they will handle the 1945-49 records in the same manner.)

B. Source Cards - alphabetically by Foreign Service Post or other source, i.e., "TO" and "FROM" correspondence between the State Department and its Posts or other government agencies (not people or sources as used in the intelligence vernacular).

1) From OSS to State - About 50 cards dated from 1 January 1945 to 31 January 1946. This is a general file with material relating to a variety of subjects. These cards were reviewed and found to contain nothing sensitive.

Action required: Release.

2) From State to OSS - Twenty-one cards dated from 1 to 29 January 1945. This is a general file relating to a variety of subjects. These cards were reviewed and they contained nothing sensitive.

Action required: Release.

3) From the JCS to State and from State to the JCS - About 600 cards dated from 1 January 1945 to 15 February 1946. This is a general file relating to a variety of subjects including references to the SSU. The chance that this index would contain information still sensitive to the Agency is considered small.

Action required: Since there are only 600 cards, review and withdraw any sensitive cards. Replace sensitive cards with sterile cards and handle the withdrawn index cards the same as those withdrawn from the Central Name Index, to include checking and withholding the referenced document if necessary (see para 7A above).

4) From CIG to State - About 300 cards dated from 15 February 1946 to 1 September 1947. This is a general file with material relating to a variety of subjects.

Action required: Review and withdraw sensitive cards; handle the withdrawn cards and referenced documents as noted above.

5) From State to CIG - About 50 cards dated from 9 July 1946 to 1 September 1947. This is a general file with material relating to a variety of subjects.

Action required: Review and withdraw sensitive cards; handle the withdrawn cards and referenced documents as noted above.

6) From CIA to State - About 150 cards dated from 17 September 1947 to 31 December 1949. This is a general file with material relating to a variety of subjects.

Action required: Review and withdraw sensitive cards; handle the withdrawn cards and referenced documents as noted above.

7) From State to CIA - About 100 cards dated from 22 September 1947 to 12 December 1949. This is a general file with material relating to a variety of subjects.

Action required: Review and withdraw sensitive cards; handle the withdrawn cards and referenced documents as noted above.

C. Subject Cards - filed numerically by subject classification number.

1) Index 103.918 - About 800 cards dated from 1 January 1945 to 31 December 1945 plus 15 cards dated after 1 January 1946. This index refers to general matters of the OSS primarily but some references are made to the SSU. This file was used exclusively for OSS and SSU correspondence which means that this file number effectively indicates an OSS or SSU connection.

Action required: Review and withdraw sensitive cards; screen the documents in this file to ensure all our intelligence equities are protected. These files have not been screened by NARS personnel. Any documents to be withheld will be kept in the special project with the index card affixed if applicable as detailed above.

2) Index 103.91802 - About 450 cards dated from 1 January 1945 to 31 December 1945 plus 12 cards dated after 1 January 1946. This file deals with OSS and SSU personnel matters.

Action required: Review and withdraw any sensitive cards; screen the documents and handle as 7C1 above.

3) Index 101.5 - About 175 cards dated from 15 December 1945 to 9 February 1949. The contents refer to SSU and CIG general matters but include six cards dated after September 1947 and therefore refer to CIA.

Action required: Review and withdraw sensitive cards; screen the documents and handle as in 7C1 above.

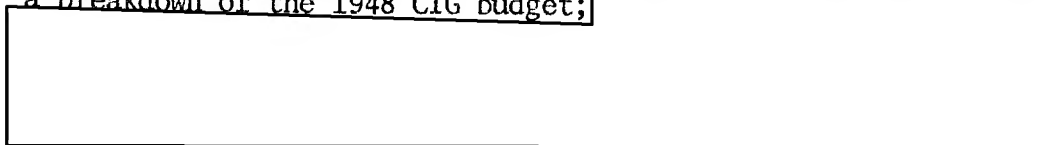
4) Index 101.502 - About 400 cards dated from 2 January 1947 to 23 October 1948. The contents refer to CIG and CIA personnel matters primarily covering overseas assignments.

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Action required: The proportion of these cards which spell out the CIG or CIA connection is so high that the entire index should be removed and restricted. NARS previously agreed to remove some indices from the 1940-44 period and they have encountered no problems from taking that action. Also, screen the documents and handle as in 7C1 above.

5) Indices 101.6 and 101.61 - About 1000 cards dated from 5 February 1947 to 23 December 1949 referring to intelligence policy matters and to implementing and coordinating intelligence

activities abroad much of it dealing with CIG and CIA. As examples, it includes a basic instruction on the status of CIG; a breakdown of the 1948 CIG budget;



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Action required: Screen the index, and if the number of cards requiring protection is sufficiently large, consider asking NARS to restrict the entire index; otherwise, screen out those cards requiring protection. It is also recommended that we screen the six boxes of documents relating to this file to ensure that all documents requiring protection have been withdrawn (these are archives boxes).

6) Index 101.6102 - About 800 cards dated from 7 January 1947 to 31 December 1949. This index refers to CIG and CIA personnel matters and to some general administrative correspondence. This file number refers exclusively to CIG or CIA matters.

Action required: Restrict the entire index and screen the documents held in the files to ensure all CIA equities are protected.

7) Index 811.20200 - About 400 cards dated from 17 January 1945 to 13 December 1949. This appears to be a general U.S. intelligence activity file but contains correspondence relating to assignment of SSU personnel; publications procurement; disposal of government property; coordination of certain intelligence activities; financial accountings; forwarding OSS reports and forwarding a TASS report on the reorganization of the U.S. intelligence services, among others.

Action required: Screen the index and remove any sensitive cards. Screen the documents in the file to the extent indicated as necessary by the extent of compromising information found or indicated in the cards.

8) Indices 811.20200 A and 811.20200 B - A total of 25 cards dated from 13 January 1949 to 28 November 1949. Relates to general U.S. intelligence community matters. The cards have been screened and nothing sensitive was found.

Action required: Release.

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9) Index 811.20200 D - About 11,400 cards dated from 1 January 1945 to 31 December 1949. The material contained in this file appears to be the same in nature as that contained in 811.20200 listed above. Attachment C provides a random sampling of the cards in this index.

Action required: The 28-card sample contains only one reference to the SSU; otherwise the cards are innocuous. Therefore, it is suggested that we release the card index (11,400 cards) but screen the 81 boxes of documents relating to this index. This material has already been screened and much of the material withdrawn so the job will not be too demanding.

10) Index 811.20200 E - About 200 cards dated from 8 September 1947 to 31 December 1949. All the material appears to deal with finance and accounting matters concerning CIG and CIA personnel.

Action required: Restrict the entire index. Screen the documents to ensure that those still sensitive have been removed.

11) Index 811.20200 FAMILY - About 700 cards dated from 2 January 1945 to 22 July 1949.

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Action required: Screen the index and based on the extent of compromising information found or indicated take the necessary action with the documents in the files relating to this index.

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9. There are 16mm microfilm copies of the three basic indices which also must be considered. The only existing 16mm copy of the Name Card Index was retained by State and will not be transferred to NARS "until the frequency of name checks decreases to a level acceptable to the custodial divisions." According to NNFD personnel, that index has not yet been transferred to NARS. The copies of the other two indices, the Source Cards and Subject Cards, were transferred to NARS and are stored

at NNFD, but according to NNFD personnel, are never used. In this benign situation no action at this time is warranted. In our correspondence to NARS concerning this group of records we will mention the existence of these microfilm record copies and alert NARS that they must be screened and purged of sensitive material before being placed in the public domain.

10. Summary of Actions Required: The actions required to protect CIA equities as stated above are the same as we used to protect sensitive information concerning the OSS which appeared in the Central Foreign Policy Files for the period 1940-44. We have discussed with Mr. Alan Thompson, Chief of the Declassification Branch at NARS, our desire to use the same procedures with the 1945-1949 records and have received his oral concurrence to do so. NARS personnel will make up the approximately 500 substitute file cards which we will file. We will also review approximately 4,725 file cards to screen out those containing sensitive information and which will have to be replaced by substitute cards as above. In addition we will screen the documents referred to in paragraph 3 (16 boxes) and paragraph 7C(9) (81 boxes) as well as those documents requiring individual screening as indicated from review of the various indices cited in paragraph 7. We will ask NARS to restrict in their entirety three index series totaling about 1,400 cards: Index 101.502 of about 400 cards; Index 101.6102 of about 800 cards; and Index 811.20200 E of about 200 cards. Finally, we will alert NARS to the potential problem with the 16mm microfilm copy of the indices.

11. State Department's Central Foreign Policy Files for the Period 1950-54: This block of State records is now ready for accessioning to NARS. State has offered this block of records to NARS already but NARS refused to accept them until State furnishes more detailed declassification guidelines. State is currently wrestling with this problem and has not re-submitted its offer as of this writing. In the Fall of 1977 CRD personnel met with State Department officials concerning the 1950-54 records and specifically discussed the indices for those records. State assured us that the indices would be screened and compromising information removed. More recently, on 26 June 1979, Mr. Frank M. Machak of State in a telecon with Chief of the Operations Branch in CRD hedged on this point indicating that only some offensive index cards may have been removed and that we might want to review the 1950-54 block of records and also read the special guidelines State had prepared covering them. This apparently refers to the guidelines rejected by NARS as too general in nature. One major difference in the 1950-54 block of records is that, according to NARS personnel, in 1951 State began using a reduced-in-size photocopy of a document (or initial page of the document) as the index card. If this proves to be the case and the classification of the documents is picked up on the photocopy, the index cards will be classified and NARS will have to handle them accordingly. In any case, we should survey the 1950-54 records at the earliest possible date to ensure that our established procedures to protect CIA equities can be applied as in the past or whether some adjustments will be required.

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AVAILABILITY OF RECORDS OF THE DEPARTMENT OF STATE*

22 CFR 6

AUTHORITY: The provisions of this Part 6 issued under sec. 4, Act of May 26, 1949, 63 Stat. 111, as amended 22 U.S.C. 2658; Act of Aug. 31, 1951, 65 Stat. 290, 31 U.S.C. 483a; Executive Order 10501 of Nov. 10, 1953, as amended; 5 U.S.C. 552.

§ 6.1 Definitions.

As used in this part, the following definitions shall apply:

(a) The term "identifiable" means, in the context of a request for a record, a reasonably specific description of the particular record sought, such as date, format, and subject matter, which will permit its location.

(b) The term "record" includes all books, papers, maps, photographs, or other documentary material, or copies thereof, regardless of physical form or characteristics, made in or received by the Department of State, and preserved as evidence of its organization, functions, policies, decisions, procedures, operations, or other activities.

§ 6.2 Availability of records.

(a) All identifiable records of the Department of State shall be made available to the public upon compliance with the procedures established in this part, except to the extent a record is determined by the Deputy Legal Advisor for Administration to be exempt from disclosure.

(b) Unclassified information, documents, and forms which have previously been provided to the public as part of the normal services of the Department of State will continue to be made available without regard to the following sections.

§ 6.3 Availability of statements of policy, interpretations, manuals, instructions.

Statements of policy, interpretations, administrative manuals (or portions thereof), opinions, orders, and instructions to staff which affect any member of the public will be made available to the public for inspection and copying in the public reading room, except to the extent they are determined by the Deputy Legal Advisor to be exempt from disclosure.

§ 6.4 Records which may be exempt from disclosure.

The following categories are examples of records maintained by the Department of State which may be exempted from disclosure:

(a) *Records required to be withheld by Executive order or other authority, relating to national defense or foreign policy.* Included in this category are records required by Executive Order 10501, as amended, to be kept secret in the interests of national defense or for-

eign policy. Disclosure of records in this category will be made to the public only in the manner established by § 6.9.

(b) *Records related solely to internal personnel rules and practices.* Included in this category are internal rules and practices relating to management operations which cannot be disclosed to the public without substantial prejudice to the effective performance of a significant function of the Department of State.

(c) *Records specifically exempted from disclosure by statute.* Included in this category are records relating to the officers and employees of the Foreign Service, including efficiency records (sec. 612 of the Foreign Service Act of 1946, as amended, 22 U.S.C. 986), and the records of the Department of State or of diplomatic and consular officers of the United States pertaining to the issuance or refusal of visas or permits to enter the United States (sec. 222(f) of the Immigration and Nationality Act, 8 U.S.C. 1202(f)).

(d) *Information given in confidence.* Included in this category are records reflecting commercial and financial information, as well as other information, obtained from any person and customarily regarded as privileged and confidential by the person from whom they were obtained.

(e) *Interagency or intragency memorandums or letters.* Included in this category are records such as interagency communications and internal drafts, memorandums between officials and agencies, opinions and interpretations prepared by staff or consultants; records of the deliberations of staff personnel; and records whose premature disclosure would interfere with the achievement of the purpose for which they were being prepared.

(f) *Personnel, medical, and other files.* Included in this category are personnel and medical files and other files containing private or personnel information which, if disclosed to the public, would amount to a clearly unwarranted invasion of the privacy of any person to whom the information pertains.

(g) *Investigatory files.* Included in this category are files compiled for the enforcement of all laws, or prepared in connection with Government litigation and adjudicative proceedings, except for those portions of such files which are by law available to persons in litigation with the Department, in which case such portions will be made available to such litigants.

§ 6.5 Authority to release and certify, or to withhold records.

(a) Except as provided in § 6.9, authority is hereby delegated to the Chief,

Records Services Division, to furnish copies of records to any person entitled thereto pursuant to these regulations, and upon request to provide certified copies thereof in accordance with Part 131 of this chapter.

(b) A determination by the Deputy Legal Advisor for Administration to deny a request to make a record available is final, and no appeal will be received by the Department of State from such a determination. This determination shall be in written form, clearly stating the basis upon which the record has been withheld.

§ 6.6 Public reading room.

A public reading room or area where the records described in § 6.3 shall be made available is located in the Department of State, 2201 C Street NW., Washington, D.C. The receptionist will refer the applicant to the proper room. Fees will not be charged for access by the public to this room or the records contained therein, but fees in accordance with § 6.8 will be charged for furnishing copies thereof.

§ 6.7 Manner of requesting records.

(a) Identifiable records may be requested by the public in person from 10 a.m. to 4 p.m., Department of State, 2201 C Street NW., Washington, D.C., where the receptionist will refer the applicant to the proper office for service and the necessary forms for making a request. Requests by mail should be addressed to the Chief, Records Services Division, Department of State, Washington, D.C. 20520.

(b) In view of the decentralized nature of the files of the Department of State, it will generally not be possible to make the requested records available immediately upon request. Records will be made available as promptly as is reasonable under the particular circumstances involved.

(c) Original or record copies of records will not be permitted to leave the custody of the lawful custodian thereof. Copies, duly certified upon request, will be furnished in lieu thereof in accordance with established fees.

(d) Requests relating to records of any other Federal agency, copies of which are on file in the Department of State, will normally be referred to that agency for consideration.

(e) The burden of adequately identifying the record so requested lies with the requesting person. Such person may seek appropriate assistance from the Chief, Records Services Division, or a member of his staff, in identifying the record sought.

* Federal Register, Vol. 33, No. 93, May 11, 1968, p. 7078 (Code of Federal Regulations, Title 22, Part 6); Foreign Affairs Manual, Vol. 5, Section 480, Appendix A.

6.8 Schedule of fees and method of payment for services rendered.

(a) The following specific fees shall be applicable with respect to services rendered to members of the public under this part:

- 1) Searching for records, per hour or fraction thereof. (This charge must accompany request and will be retained whether or not an identifiable records is located.)----- \$3.50
- 2) Other facilitative services and index assistance—minimum charge, per hour or fraction thereof----- 3.50
- 3) Copies made by photostat or otherwise (per page)----- .40
- 4) Certification of each record as a true copy----- .75
- 5) Certification of each record as a true copy, under seal of Department----- 1.00
- 6) For each signed statement of negative result of search for record----- 1.00
- 7) For each signed statement of non-availability of record----- No fee.

(b) Fees for services performed other than under this part, as described in 6.2(b), will be charged in accordance with Parts 21 and 22 of this chapter.

(c) When no specific fee has been established for a service, or the request for a service does not fall under one of the above categories due to the amount or size or type thereof, the Chief, Records Services Division is authorized to establish an appropriate fee pursuant to the criteria established in Bureau of the Budget Circular No. A-25, entitled "User Charges."

(d) When a request for identifiable records is made by mail pursuant to 6.7(a), it should be accompanied by remittance of the total fee chargeable, as well as a self-addressed stamped envelope, if special mail services are desired.

(e) Fees must be paid in full prior to issuance of requested copies. If uncertainty as to the existence of a record, or as to the number of sheets to be copied or certified, precludes remitting the exact fee chargeable with the request, the Department of State will inform the interested party of the exact amount required.

(f) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the continental United States, a postal money order, or cash. Remittances shall be made payable to the order of the Department of State. The Department will assume no responsibility for cash which is lost in the mail.

(g) A receipt for fees paid will be given only upon request. Refund of fees paid for services actually rendered will not be made.

6.9 Access to classified foreign policy records for nonofficial research purposes.

(a) *General policy.* (1) The Department permits access to its classified foreign policy records by individuals en-

gaged in private research as liberally as possible, consistent with the national interest, the maintenance of friendly relations with other nations, the efficient operation of the Department, and the administrative feasibility of servicing requests for access to records.

(2) Former incumbents of senior positions within the Department shall be accorded access to records relating to their own activities, except in those cases where the Secretary of State determines that such access would not serve the national interest. Such persons enjoying access to sensitive materials may be required to submit their notes for clearance by the Department prior to the publication of any manuscript prepared as a result of such access.

(b) *Three periods with respect to access by nonofficial researchers to the foreign policy records of the Department—*

(1) *Closed period.* The foreign policy records of the Department are in general closed to access by nonofficial researchers in advance of the publication of the Department's documentary series entitled "Foreign Relations of the United States." The beginning date of the closed period will be advanced automatically as the annual "Foreign Relations" volumes are released. Copies of identifiable unclassified foreign policy records of this period may be obtained in accordance with the procedures set forth in the preceding sections of this part.

(2) *Open period.* The open period is the period up to 30 years from the current year. The foreign policy records of the Department for the open period are in the National Archives and may be consulted under regulations issued by the National Archives.

(3) *Restricted period.* The restricted period is the period between the open period and the closed period. Access to foreign policy records in the restricted period shall be confined to qualified researchers demonstrating a scholarly or professional need for the information contained in such records. Access to these records of the restricted period will be granted only to U.S. citizens. Copies of identifiable unclassified foreign policy records of this period may be obtained in accordance with the procedures set forth in the preceding sections of this part.

(c) *Special restrictions on access to classified records in addition to the general restrictions listed in paragraph (b) of this section.* (1) The use of classified records or information therefrom is subject to the Department's security regulations.

(2) Access to certain types of foreign policy records will not be given if their publication, in whole or in part, would be contrary to the interests of national defense or foreign policy, such as (i) materials which might tend to prejudice the conduct of foreign relations by the U.S. Government; (ii) materials embodying opinions or comments which

might give needless offense to other nations or individuals abroad; and (iii) materials which would violate a confidence reposed in the Department of State.

(3) In general, foreign policy records originated by a foreign government or another agency of the U.S. Government and not yet published or opened to access by that government or agency, will not be made available to researchers without the consent of the government or agency concerned.

(d) *Application for nonofficial access to foreign policy records in the restricted and closed periods—*(1) *Submission of application.* A written application for access to foreign policy records in the restricted and closed periods shall be submitted to the Director, Historical Office, Department of State, Washington, D.C. 20520.

(2) *Information to be furnished in application.* The application shall contain a description of the nature and scope of the proposed study and the types of records required. Administrative considerations make it necessary for the researcher to confine his request to records on specific topics. The applicant also shall provide data establishing his citizenship, academic background and research experience. The application shall be accompanied by appropriate references or, preferably by letters of recommendation.

(3) *Departmental action on the application.* The Director of the Historical Office shall determine the nature and extent of access to be granted, and any special restrictions to be placed on the use of the information, and shall notify the applicant whether access to the desired records can be granted. If access is granted, the Director will then make any necessary arrangements for the applicant to consult the records, subject to such conditions as may be agreed upon.

(e) *Clearance of notes or materials resulting from nonofficial use of records for research purposes.* The researcher who has been granted access to classified foreign policy records shall be required to agree, in advance of his access to records, to submit to the Director of the Historical Office for purpose of review, all such notes or manuscripts as the researcher may prepare from the records. The Director of the Historical Office shall review and then transmit the cleared notes or manuscripts to the researcher, deleting such items as the Department may deem necessary to withhold.

Part 133, Research in Department of State Records, is deleted from Chapter 1 of Title 22 of the Code of Federal Regulations.

For the Secretary of State.

[SEAL] IDAR RIMESTAD,
Deputy Under Secretary
for Administration.

MAY 3, 1968.

[F.R. Doc. 68-5632; Filed, May 10, 1968;
8:47 a.m.]

2 July 1979

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Classification Review ProcedureCRP 79-32 and
CRP 79-008/OSSGUIDELINES FOR THE REVIEW OF RECORDS FOR THE PERIOD
FROM THE END OF OSS TO THE BEGINNING OF CIA
1. October 1945 - 30 September 1947BACKGROUND

On 20 September 1945 President Harry Truman signed an Executive Order breaking up the OSS as of 1 October 1945 and directing the Secretary of State to take the lead in developing the program for a comprehensive and coordinated foreign intelligence system. The Research and Analysis (R&A) and Presentation Branches of the OSS went intact to the State Department. The remaining activities of the OSS (mostly clandestine services) were assigned to the War Department which was to keep them separate in the Strategic Services Unit (SSU) established by the Executive Order for that purpose and to keep those activities to serve as a nucleus for a possible central intelligence service.

On 22 January 1946 President Truman issued a Presidential Directive which established the Central Intelligence Group (CIG) functioning directly under the National Intelligence Authority (NIA). The NIA consisted of representatives of the Secretaries of State, War and Navy and a personal representative of the President. The Director of CIG was appointed by the President. His duties included planning to coordinate departmental intelligence activities; recommending policies and objectives of the "national intelligence mission;" correlating and evaluating intelligence for strategic and national policy and disseminating it within the Government; performing functions related to intelligence as the President and NIA might direct; and performing services of common concern where those services could be performed more efficiently by a central organization. Significantly, the Director of CIG was not given the duty of directly collecting intelligence. The CIG was described as "a cooperative interdepartmental activity." Since the SSU had been expected only to serve an interim function, the Executive Order of 20 September 1945 directed the Secretary of War to discontinue the SSU as soon as its functions and facilities could be: 1) placed in a new central intelligence organization; 2) placed in the War Department; or 3) dropped entirely. [redacted] Chief of the SSU, was to superintend the liquidation of those SSU activities to be dropped entirely during peacetime. On 29 January 1946 the Secretary of War directed that the SSU should be liquidated by 30 June 1946. The Director of CIG was to take what records he wanted from SSU through the Secretary of War and retain operational control over them. Title to the records was to be settled later. [redacted] felt that SSU plans, properties and personnel must be maintained because they were indispensable for the procurement of intelligence in peacetime. On 14 February 1946 he urged that the SSU be placed under the Director of CIG.

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As there was some dispute over whether the Director of CIG should get the entire unit, an interdepartmental committee was organized under Colonel [] to study this question. The committee found support for the opinion that the SSU, as was, ought not go to the CIG. The committee had heard that the bulk of intelligence information came from friendly governments; that much material came from other sources than secret collection; that SSU personnel had not been adequately screened; and that many clandestine personnel had become exposed during WW II. The committee thought that the SSU should be reorganized and the desired portion placed under the CIG as a "going concern." The committee thought that CIG should closely coordinate clandestine operations, concentrate on the USSR and the Satellites, penetrate key institutions to aid possible U.S. military operations, develop liaison with foreign intelligence agencies [] while overt collection of intelligence information should remain with the other U.S. Government agencies. The committee also recognized the interrelationship between the SSU and the R&A Branch (still located in the State Department) and urged that their activities be integrated because the R&A Branch was "closely geared to the secret intelligence branches as their chief guide." The committee also felt that the Director of CIG should take authority and responsibility for liquidation of the SSU.

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On 3 April 1946 the final liquidation of SSU was postponed from 30 June 1946 to 30 June 1947. Meanwhile, the Chief of SSU was directed to obey the instructions from the Director of CIG. This made it possible for [] Assistant Director and Acting Chief of Operational Services of CIG, to take over such SSU assets as the Director of CIG wanted while unwanted assets would be absorbed into the War Department or abandoned. The arrangements for the transfer of SSU to the CIG through the War Department were complicated but it enabled the CIG to take legally what it wanted while [] Chief of the SSU, got rid of unwanted facilities through the War Department. Although no specific legal action was taken, the passage of time and the inferential approval of the National Security Act of 1947 appears to have vested title of SSU property to the CIG.

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In June 1946 General Vandenberg became the Director of CIG (replacing Admiral Souers). Vandenberg felt that the Director of CIG must be the NIA's executive officer and he immediately struck out to obtain greater authority and independence for the CIG. While his ideas met resistance from the member agencies of NIA, Vandenberg did win some points. For example, Vandenberg wanted the CIG to conduct all espionage and counter-espionage for the collection of foreign intelligence abroad. This proposal was modified to allow the Director of CIG to conduct only those "organized federal" operations which were outside the U.S. and its possessions, but still left CIG with the authority to collect intelligence information. The purpose of the revision was to permit the military services to collect intelligence for departmental purposes and it was meant to protect the FBI in performing its duties within the U.S. Vandenberg then established the Office of Special Operations to collect foreign intelligence. During the summer and fall of 1946, the CIG arranged to take over the personnel, undercover agents, and foreign stations of the SSU. By mid-October 1946 the liquidation of SSU was complete. (SSU as a bonafide organization never actually went out of business. The C/IMS/DIXO is the current chief of SSU and is authorized to conduct certain business for

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and on behalf of SSU. Most SSU activities involve checking out special requests from EX-SSU or OSS personnel.) Field stations were notified that effective 19 October 1946 "SSU discontinues all overseas activities and the Office of Special Operations of CIG assumes responsibility for conducting espionage and counterespionage in the field for collection of foreign intelligence information required for national security."

As noted above, the CIG takeover of the SSU stretched over a period of several months in 1946. During this period the CIG took over many of the personnel, installations, facilities and cover arrangements and units as well as administrative practices of the SSU. Thus you will find CIG, after 19 October 1946, using SSU cover unit designations and letterhead stationery from such units making it difficult to identify CIG documents from appearance alone. It could be argued that if the letterhead is SSU then it is an SSU document. Be that as it may, for general purposes in classification review consider all records created before 19 October 1946 as SSU and all records created after that date as CIG.

GUIDELINES

For our general use in the classification review process, the date of 19 October 1946 will be considered the pivotal date marking the "end" of the SSU and the "beginning" of the CIG. Generally speaking, records dated prior to 19 October 1946 will be considered SSU documents and those created after that date will be considered CIG documents.

The methods of organization and operation used by the SSU were very similar to those developed and used by the OSS. The SSU was essentially a military unit, staffed mostly by military personnel and housed in the War Department under military command. It is therefore pertinent for us to review SSU documents under those guidelines developed for and used in the classification review of OSS records. The CIG on the other hand, very soon after its creation began to take on an independent life and although many CIG personnel continued to be military it quickly attracted more civilians and it was not under direct military command. We will, therefore, look at CIG documents as relating closely to the beginnings of the CIA and will review CIG documents under those guidelines developed for and used in the classification review of CIA records. As a general rule, the OSS review team will be responsible for reviewing documents originated before 19 October 1946 and the other CRD reviewers will be responsible for those documents originated after 19 October 1946. This date is not intended to be an absolute rule; as in all review work, individual judgement must be used. For example, a document originated after 19 October 1946 might refer to the past and to activities or problems of the SSU making it in essence a more or less typical SSU document containing material relating to the SSU. Such a document should be reviewed as being essentially a SSU document and using the OSS guidelines to judge the classification action. On the other hand, a document originated before 19 October 1946 might refer to the future and to activities or problems relating to the CIG making it in essence a more or less typical CIG document. This type document should be reviewed as a CIG document using the CIA guidelines.

All reviewers should be especially alert for these types of documents and pay particular attention to their classification review. If there is any question, coordination should be effected between the CRD Operations Branch/OSS and the CRD Operations Branch/CIA through the Chief of the CRD Operations Branch.

The major categories of information which most likely will require continued protection are: 1) information which identifies sources; 2) foreign government information and details of intelligence agreements we had with foreign governments; 3) information revealing unique intelligence methods not generally known or used and not outdated; and 4) information which could still cause negative reactions that could impact adversely on current or future U.S. foreign relations. Some more specific guidelines are as follows:

1. Protect all sources to avoid creation of a reputation that U.S. intelligence services cannot protect their sources. A rare exception to this rule might be possible where the contact was fleeting, incidental, insignificant and overt.

2. Identification as an SSU staffer will be judged and handled the same way as it is for an OSS staffer. Staffers generally will not be protected merely because they later worked for the CIG or the CIA. If however, the person engaged in sensitive work for CIG or the CIA, their SSU (and OSS) employment may be exempted from declassification to protect the later sensitive work or position in the CIG or the CIA.

3. Persons who served under non-official cover are protected at all times as is their cover.



Chief,
Classification Review Division

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